

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.571 OF 2005

Jugal Kishore Mehra & ors. ...Petitioners.

Vs.

The Divisional Joint Registrar,
Co-op.Societies & Ors. ...Respondents.

.....

Mr.J.H.Hegde for the Petitioners.

Mr.R.M.Sawant, Govt. Pleader for the Respondents.

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CORAM : DR.D.Y.CHANDRACHUD, J.

March 14, 2005.

P.C. :

Both the Deputy Registrar and the Divisional Joint Registrar of Co-operative Societies have come to the conclusion that there was no valid reason for the Society to decline membership. In fact, it would appear that the Society had unauthorisedly collected an amount of Rs.4 lakhs by way of transfer fee and even issued bills in the month of October and December 2003,

but it later adopted the position that the bills were issued under mistake. The order passed by the authorities below regarding the grant of membership of the Co-operative Society cannot be faulted. However, it is clarified while rejecting the petition that this would not be regarded as an expression of any opinion by the Court on the existence, if any, of unauthorised construction or of unauthorised user which shall be dealt with by the appropriate forum or authority in accordance with law. The Petition is, subject to this, rejected.

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